

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVIN E. BUGGS,)	
)	
Petitioner,)	4:05cv3115
)	
vs.)	MEMORANDUM AND ORDER
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on filing no. 24, the respondent's Renewed Motion to Strike the petitioner's brief. The renewed motion is now accompanied by a brief. The respondent complains that the petitioner has not signed the habeas corpus brief which the petitioner, through a legal aide, has submitted in accordance with the Progression Order issued on May 23, 2006 (filing no. 20). However, the letter from the petitioner's legal aide accompanying the petitioner's brief explains that the petitioner has been placed in segregation and is denied any opportunity to communicate with the legal aide. In order to enable the petitioner to sign his own brief, the brief must be sent to the petitioner from outside the prison system.

IT IS THEREFORE ORDERED:

1. That the respondent shall file the respondent's brief on the schedule set out in filing no. 20, regardless of how long the procedures set forth below may take;
2. That the Clerk of Court shall print out a copy of filing no. 21, the petitioner's brief, from the court's CM/ECF system, and the Clerk shall send the printed copy by mail to the attorney for the respondent;
3. That the respondent's attorney shall instruct the respondent to arrange for delivery of the printed brief to the petitioner in segregation for review and signature;
4. That the petitioner shall return the brief with the executed signature page to a corrections official for return to the court; if the petitioner lacks the funds or the paper, envelope or stamps necessary for return of the signed brief to the court, the respondent must arrange for delivery;
5. That whenever the brief returns to the court, the Clerk of Court shall docket it as "signed copy of BRIEF in support of Petition for Writ of Habeas Corpus (filing no. 21)" and shall link it to filing no. 21 on the docket sheet;

6. That in the meantime, filing no. 21 shall be treated for all purposes as the petitioner's brief required by filing no. 20;

7. That in light of his placement in segregation, if the petitioner finds that he requires an enlargement of time to file a reply brief, he shall file a written motion with the court before August 22, 2006; and

8. That filing no. 24 is denied.

DATED this 8th day of June, 2006.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge